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HUMAN RIGHTS COMMITTEE
Seventy-third session

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE FOURTH PERIODIC REPORT OF HUNGARY (CCPR/C/HUN/2000/4)

Constitutional and legal framework within which the Covenant is implemented (art. 2); states of emergency (art. 4)

1. Please provide examples of cases in which the Constitutional Court has considered the validity of domestic legislation on grounds of alleged inconsistency with the Covenant, as described in paragraphs 38, 39 and 77 of the report, and with what results.

2. Please describe the procedures or mechanisms in place for the implementation of Views adopted by the Committee under the Optional Protocol.

3. Please specify which rights may be restricted during a state of emergency, the nature of these restrictions and their compatibility with article 4 of the Covenant (para. 72).

Non-discrimination and rights of persons belonging to minorities (arts. 2.1, 26 and 27)

4. Please provide further information regarding measures to prevent and combat discrimination, in practice as well as in law, in relation to access to housing and public places, as well as to employment, particularly with respect to the Roma minority. Please comment on allegations of discriminatory treatment of the Roma minority by the police and the judiciary.

5. What concrete steps have been taken, and with what results, to overcome problems with regard to the placement of Roma children in "special schools", as well as alleged discrimination in State education facilities, as indicated in the 1997 annual report of the Parliamentary Commissioner for National and Ethnic Minority Rights (annex 24, pp. 21-24)?

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6. Please comment on the extent of allegedly racially motivated violence and harassment vis-à-vis foreigners, including asylum-seekers and the Roma minority, and on allegations about the failure, on the part of the police and judicial authorities, to investigate and prosecute hate crimes. What measures have been adopted by the State party to combat such crimes and to prosecute perpetrators?

7. Please provide additional information on cases dealt with by the Parliamentary Commissioner for National and Ethnic Minority Rights. Please comment on his proposal to adopt an anti-discrimination law, as well as on the substance of that proposal.

8. Please provide updated information on the number and proportion of persons belonging to minorities involved in political and public affairs, including the public service, and in economic life.

Equality between the sexes and non-discrimination between women and men (arts. 3 and 26)

9. What measures have been taken, or are envisaged, to enhance the participation of women in Parliament and the public service, as well as in the economic sector, especially at senior and management levels (paras. 96-97)?

10. Are measures in place to ensure equal pay for work of equal value (para. 69)?

11. What measures are in place to provide legal remedies in cases of discrimination against women?

12. Please indicate what measures are being taken to combat violence against women, including domestic violence, both as a matter of legislation and in practice. Please indicate what measures are being taken to strengthen assistance to victims of violence and to increase public awareness of these issues.

13. Please provide information and any available statistics about the trafficking of women and girls for the purpose of prostitution. What measures has the State party taken to combat these practices on its territory?

Prevention of torture; treatment of prisoners and other detainees; liberty and security of the person and the right to a fair trial (arts. 7, 9, 10 and 14)

14. Please comment on allegations of ill-treatment by the police, particularly in the context of the treatment of persons deprived of their liberty, as well as the alleged failure to initiate investigations and to prosecute and punish the alleged perpetrators. Please provide data on convictions for the use by the police of excessive force.

15. In the light of allegations that detainees have been prevented by the police from contacting their lawyers, please explain what provisions apply to the right of any detained person to have access to a lawyer, when access is granted and with what delays in practice. What is the system of legal aid and how is it made available to members of ethnic and linguistic minorities?

16. Please provide details of the new Law on Criminal Procedure, adopted in March 1998, which is to come into force on 1 January 2003, and of the new Criminal Code, in force since January 2000, in the light of articles 7 and 9 of the Covenant, in particular insofar as arrest, custody and pre-trial detention are concerned.

17. Please comment on the alleged practice of keeping detainees in police cells during the period of pre-trial detention, often for several months. How does the State party justify this practice in the light of article 9.3 of the Covenant?

18. Please provide information on measures taken to overcome overcrowding of detention and prison facilities. Please provide updated statistics on the prison population and the proportion of those detained awaiting trial, compared to convicted prisoners.

19. Please elaborate on the measures taken by the State party to deal with instances of detention of aliens and asylum-seekers in community shelters under poor conditions, allegedly deprived of access to legal advice and subjected to ill-treatment; please address specifically the situation of women and children in this particular context.

Freedom of movement (art. 12)

20. Please specify in which cases restrictions may be imposed on the right to leave the country. What progress has been made in amending the legislation in this area (para. 187 of the report)?

Privacy and non-discrimination (arts. 17 and 26)

21. Please comment on the status of homosexuals in Hungarian law and practice. Is discrimination on this ground prohibited?

Freedom of religion and conscience (art. 18)

22. Please comment on the compatibility with article 18 of the Covenant of the draft amendments to the Law on Freedom of Conscience and Religion, and on Hungarian tax law, which grant an advantageous status to the "established churches".

23. Please provide information as to whether military service is compulsory and whether there is alternative civil service for conscientious objectors.

Freedom of opinion and expression and the right to receive information (art. 19)

24. What measures have been taken to ensure the independence from political pressure of Hungarian television? How is the independence of the members of the National Radio and Television Commission (ORTT) ensured in law and in practice?

25. Please elaborate on the State Secrets and Official Secrets Act and how far it restricts the right to receive information, particularly with regard to access to information held by the public authorities.

Right to vote (art. 25)

26. Please explain the compatibility of the deprivation of prisoners of their right to vote with the provisions of article 25 of the Covenant (para. 410 of the report), as well as the compatibility with article 25 (para. 405 of the report) of the requirement that a person be "staying in the territory of the country" in order to exercise the right to vote.

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

27. Please indicate the steps taken to disseminate information on the submission of the periodic reports under article 40 of the Covenant and their consideration by the Committee, in particular, the Committee's concluding observations. What steps were taken to hold consultations with NGOs and concerned members of the public in the preparatory process for the fourth periodic report?

28. Please provide information on training and education on the Covenant and the Optional Protocol procedure provided to the judiciary and to public officials, in particular schoolteachers, and law enforcement and prison officials. Please also indicate the steps taken to increase awareness and understanding of the Covenant and the Optional Protocol procedure among the general public, including ethnic and linguistic minorities.

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